

## ***Local Law Filing***

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**County**  
**City**  
**of**            **Goshen**  
**Village**  
**Village**

**Local Law No. 2 of the year 2015**

**A local law**    **Amending Appendix A of the Code of the Village of Goshen entitled "Zoning"**  
(Insert Title)

**Be it enacted by the**    **Village Board**  
(Name of Legislative Body)

of the  
**County**  
**City**  
**of**            **Goshen** as follows:  
**Village**  
**Village**

### **Section 1.    Authority.**

This Local Law is enacted pursuant to the authority of Section 10 of the *Municipal Home Rule Law*, and in accordance with the Zoning Law of the Village of Goshen, New York, Article XVII entitled "Amendment of Ordinance." To the extent that the provisions of this Local Law are in conflict with the New York State Village Law, the Village Board hereby asserts its intention to supersede New York Village State Law pursuant to the Municipal Home Rule Law.

### **Section 2.    Legislative Intent.**

This Local Law is enacted for the purpose of amending the zoning classification of two parcels designated on the Tax Map as Section 107, Block 2, Lot 39.2 and Section 107, Block 2, Lot 40.2 from R-1 (Residential) to OB (Office Business). Currently, the parcel designated as 107-2-39.2 is the site of a now discontinued bed and breakfast facility known as the "Anthony Dobbins Stagecoach Inn." The Anthony Dobbins Stagecoach Inn operated for many years as a bed and breakfast facility in the R-1 Zoning District. Bed and breakfast facilities are not currently permitted in the R-1 Zoning District and this use was permitted to continue as a permitted, pre-existing, non-conforming use. This property currently contains a two-story 5,700 +/- square foot structure portions of which were originally constructed in 1747 and a detached garage.

The property designated as 107-2-40.2 is the parcel upon which the Goshen Village Hall is located.

Land uses in the immediate vicinity of the subject premises include government offices, private offices, banks, school district offices, some multi-family residential units as well as the Hall of Fame of the Trotter Museum and the Goshen Historic Track. Residential uses are located immediately behind both parcels.

The rezoning of these parcels from R-1 to OB would permit the prior use of 107-2-39.2 to be made conforming.

This zoning change amendment would, in addition to rezoning the parcels from R-1 to OB permit additional uses in the OB Zone as follows: *Bed and Breakfast Inns*; *Full Service Restaurants*.

The genesis for considering the adoption of this Local Law is the submission of a petition by the owners of parcel 107-2-39.2 requesting that the Village Board rezone the said parcel from R-1 to OB. The said petition also requested certain amendments to the text of the Village Zoning Code. Specifically, the petition further sought to add "*Bed and Breakfast Inns*" and "*Full Service Restaurants*" as uses permitted in the OB Zoning District. In support of their petition to amend the Village Zoning Code and Zoning Map, which petition is dated October, 2014, the owner's planning consultant, Esposito & Associates, prepared and submitted a study entitled "Report in Support of Petition to Amend Zoning Code and Zoning Map" also dated October, 2014.

In response to the receipt of the petition and supporting report, the Village Board engaged the services of the Turner Miller Group to review the request and to thereafter issue a report to the Village Board. Pursuant to a report dated February 20, 2015 the Turner Miller Group concluded that the "change in zoning for the site from R-1 to Office Business is consistent with the surrounding area and will not adversely impact the site, adjacent OB Zone properties or the Village as a whole." Further, the Turner Miller report recommended that the Village adopt definitions for Bed and Breakfast Inns and Full Service Restaurants as well as carefully consider the minimum lot size and front yard setback for Bed and Breakfast Inns and Full Service Restaurants to ensure consistency with the existing character of the surrounding OB Zone. In studying this matter, the Village Board has determined that it is appropriate to define both Bed and Breakfast Inns and Full Service Restaurants as well as to establish minimum lot sizes and front yard setbacks for these uses that are larger than the minimum lot size and front yard setback proposed in the petition. The Village Board has further determined that it would be in the overall public interest to rezone the parcel upon which the Village Hall is located to OB given the proximity of the Village Hall to the former Anthony Dobbins Stagecoach Inn.

On May 11, 2015, a public hearing was convened for the purpose of considering the adoption of Local Law #2 of 2015 which proposed to rezone the above referenced tax parcels from R-1 to OB and further proposed to allow certain defined uses, those uses being Bed and Breakfast Inn and Full Service Restaurants as uses permitted in the OB zone. The Local Law further provided that the Bed and Breakfast Inn and Full Service Restaurant uses would be permitted under Use Group A which required a minimum lot area of 15,000 square feet. Prior to convening the public hearing, the Village Board received the report of the Village of Goshen Planning Board that was prepared in accordance with Section 17.2.2 of the Code of the Village of Goshen. The Planning Board generally favored the proposed changes and did not identify any adverse consequence that would result from any of the proposed changes. As required by law, proposed Local Law #2 of 2015 was also referred to the Orange County Department of Planning. The report from the Orange County Department of Planning

was received after the public hearing on proposed Law #2 has been closed. The County recommendation was denominated as “Local Determination.” The County Planning Department did offer some nonbinding advisory comments, that provided that if the zone change was approved that measures be put in place to increase the minimum lot size for Bed and Breakfast Inns and Full Service Restaurants; recommended buffers between these facilities and any adjoining residential districts and the limiting of hours of operations of the Full Service Restaurants.

The public hearing was well attended. Those who spoke at the hearing offered strong opinions both in favor and against the proposed Local Law.

The Village Board has carefully considered all comments received from the public, the Village’s planning consultant, the Village Planning Board and the Orange County Department of Planning. Based upon those comments, and upon due deliberation, the Village Board has determined that it would be appropriate and in the overall public interest to modify the Local Law to accomplish the following additional objectives:

- Increase the lot size and minimum required setback so as to provide additional protection to adjoining landowners;
- Include a definition for “take out” or “fast food” establishments to make clear that such establishments are not permitted in the OB Zoning District;
- Amending the definition of full service restaurants to clarify that stand alone bars/lounges that serve food only as an accessory to serving beverages are not allowed in the OB Zoning District.

Accordingly, Local Law # 2 of 2015 has been re-drafted to incorporate the objectives outlined above.

In adopting this Local Law, the Village Board finds that the proposed change in zoning from R-1 to OB is consistent with the surrounding area and will not adversely impact the parcels in question, adjacent OB Zone properties or the Village as a whole.

The Village Board further finds that the adoption of this Local Law will support the Village’s tax base and economic development objectives.

The Village Board further finds that permitting full service restaurants and bed and breakfast enterprises in the OB Zone will not have a negative impact on the OB Zone.

Finally, the Village Board recognizes that both parcels being rezoned in this Local Law are located within the Village’s Architectural Design Overlay District and the Historic Overlay District and would continue to be subject to the regulations imposed by these overlay districts and thereby ensuring the continued preservation of the unique architectural features of each property being rezoned pursuant to this Local Law.

### **Section 3. Amendment of the Code.**

- A. Appendix A, Zoning Article II, Section 2.2, entitled “Zoning Map” is hereby amended to reflect that the parcels known and designated on the tax map as Section 107, Block 2, Lot 39.2 and

Section 107, Block 2, Lot 40.2 are rezoned from R-1 (Residential) to OB (Office Building) and the Village Zoning Map is to be amended accordingly.

B. Appendix A, Article XVIII, Section 18.1 is hereby amended by adding the following definitions:

**Bed and Breakfast Inn:**

A private dwelling in which at least one and not more than 9 rooms is offered for transient, overnight lodging and breakfast is offered to such occupants.

**Restaurants, Full Service:**

A business where food and beverages are served and intended for on-premises consumption to patrons seated at tables, counters or outdoor seating where a written menu is utilized and full table service is provided. Drive thru windows shall not be permitted and the primary function of a full service restaurant shall be the service of food with the service of beverages being only permitted accessory to the food service in a full service restaurant.

**Restaurant, Take Out or Fast Food:**

A business which sells foods, desserts or beverages to a consumer in a ready to consume state, usually served in disposable containers and no table service is provided.

C. Table 8 of the Table of General Use Regulations promulgated pursuant to Article IV of Appendix A - "Zoning," Column C, entitled "*Conditional Uses by Planning Board (subject to Articles XI and XII)*" and Column C-1, entitled "*Use Group*" is hereby amended by the addition of the following:

C.	C-1
Conditional Uses by Planning Board	Use Group
(Subject to Articles XI and XII)	
8. Bed and Breakfast Inn	F.1
9. Restaurants, Full Service	F.1

**Section 4. SEQRA**

4.1 This local law is an unlisted action pursuant to the implementing regulations of the *Environmental Conservation Law* as set forth at *6 NYCRR 617 et.seq.* There are no other involved agencies, coordinated review is not required and the Board of Trustees shall act as Lead Agency in connection with this local law.

**Section 5. Severability**

5.1 The invalidity or unenforceability of any particular provision of this local law shall not affect the validity or enforceability of other provisions of this local law, which such provisions shall continue to be both enforceable and valid.

**Section 6.     Effective Date**

6.1     This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.